

Application Serial No. 10/529,455
Reply to office action of April 24, 2008

PATENT
Docket: CU-4125

REMARKS/ARGUMENTS

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Reconsideration is respectfully requested.

AUG 25 2008

Claims 1-19 are pending before this amendment. By the present amendment, claim 1 is amended and claim 13 is cancelled. No new matter has been added.

In the office action (page 2), the examiner rejects claim 1 under 35 U.S.C.

§102(e) for being anticipated by U.S. Patent No. 6,535,243 (Tullis).

Regarding the rejection of claim 1 in view of Tullis, the applicant respectfully **disagrees** with the examiner. In the office action, the examiner asserts that the additional feature of --wherein the controller module permits data exchange...when the data processing system is not connected-- in claim 1 is disclosed by Tullis because Tullis "clearly discloses that the digital camera can communicate with the host computer through the wireless communication link" (Office Action page 5). It appears that the examiner considers the hand-held digital camera 40 of Tullis communicating with the portable computer 10 through the wireless communication link 20 corresponds to the claimed --data processing system-- being --not connected-- with the data exchange and storage device in the present invention.

However, the limitation in claim 1 of the present invention that the data processing system is not connected with the data exchange and storage device means that the data processing system **cannot** communicate with the data exchange and storage device. That is, there is no connection between the --data processing system-- and the data exchange and storage device, including a wired link or wireless link connection. In the present invention, the controller module permits data exchange between the external storage equipment and the internal memory module without any assistance of a data processing system. In contradistinction, Tullis focuses on the communication between a hand-held digital

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camera 40 and a portable computer 10 utilizing a wireless communication link between them (Tullis col. 2, lines 40-43). Further, although Tullis mentions built-in memory and removable memory, it is apparent from the disclosure of Tullis that they cannot communicate with each other without the processing capability of the host computer, i.e., portable computer 10. Therefore, Tullis does not teach each and every limitation of claim 1 of the present invention.

It is also noted that the examiner asserts that Tullis teaches the hand-held digital camera 40 can function to play multi-media as claimed in claim 13 (Office Action page 5). Tullis teaches that the hand-held digital camera 40 may include a microphone for recording sound along with the capturing of images to annotate images (see col. 8, lines 7-15). However, Tullis only teaches that the hand-held digital camera 40 can collect voice data from a microphone and output it from a speaker. Tullis does not disclose or teach that the hand-held digital camera 40 may be used to play multi-media not recorded by the camera itself.

Further, Tullis is directed to a digital camera, while the present invention is directed to a data exchange and storage device. As a result, it is not obvious for one skilled in the art to add the functionality of playing multi-media to the claimed data exchange and storage device in view of a hand-held digital camera 40 that can record images and sound. Additionally, other cited references do not disclose or teach the features of claim 13. Therefore, the applicant have amended claim 1 to incorporate the limitations of claim 13, which is not anticipated by or obvious over the cited references. The applicants respectfully submit that independent claim 1 is now allowable for at least the reasons set forth above and respectfully solicit an indication of allowable subject matter.

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As to claims 2-19, the applicants respectfully submit that these claims are allowable at least since they depend from independent claim 1, which is now considered to be in condition for allowance for the reasons set forth above.

In the office action (page 6), the examiner rejects claims 1, 4-8, 10-12, and 15-19 under 35 U.S.C. §102(e) for being anticipated by U.S. Patent No. 6,658,202 (Battaglia).

Regarding the rejection of claim 1 in view of Battaglia, the applicants respectfully **disagree** that Battaglia teaches claim 1 of the present invention. Although Battaglia discloses a portable data transfer and repository device comprising a mass storage device and an input port for inserting a digital camera flash memory module, it does **not** teach bi-directional data transmission between the internal memory module and the external storage equipment. Rather, Battaglia only describes that the data of the flash memory module may be downloaded to the mass storage device 20 and that the data of the mass storage device 20 may be further downloaded to the user's personal computer at a future time (see col. 3, lines 40-46).

Regarding the further limitation of --wherein the controller module...when the data processing system is not connected-- in claim 1 of the present invention, the examiner asserts that this is taught by Battaglia since Battaglia discloses that the data can be transferred/downloaded through a wide range of ports including firewire (including wireless) (Office Action page 7). Referring to the aforementioned analysis of claim 1 in view of Tullis, it appears the examiner considers the data processing system --not connected-- with the date exchange and storage device in claim 1 of the present invention to mean the data processing system is not connected with the data exchange and storage device through a wired link. In fact, the data processing

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system being not connected with the data exchange and storage device in the present invention means that the data processing system **cannot communicate** with the data exchange and storage device. That is, there is no connection between them, including a wired link or wireless link. Thus, the rejection of claim 1 in view of Battaglia is not tenable. Nonetheless, the applicants have further amended claim 1 by incorporating the limitation of claim 13, i.e., --an audio module and /or a video module for combining with the internal memory module or external storage equipments to implement a function of playing multi-media-- to further distinguish the present invention from the cited references.

Accordingly, none of the cited references whether considered individually or in combination, suggest or teach the subject matter recited in claim 1 of the present invention. The applicants therefore, respectfully submit that claim 1 is allowable for at least the reasons set forth above and earnestly solicit an indication of allowable subject matter.

As to claims 2-19, the applicants respectfully submit that these claims are allowable at least since they depend from independent claim 1, which is now considered to be in condition for allowance for the reasons set forth above.

In the office action (page 19), claims 1, 3-4, and 7 stand rejected on the basis of non-statutory double patenting in view of claim 1 of co-pending U.S. Patent Application No. 10/261,001 (Dinh).

The examiner has maintained the non-statutory double patenting rejection despite the applicants previously filed arguments that Dinh is patentably distinct from the presently claimed invention (Office Action page 19). The applicants respectfully reassert their arguments that the present invention is patentably distinct from Dinh. The examiner contends that Tullis and Battaglia teach the limitation of --wherein the

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controller module permits data exchange and data access from the internal memory module to the external storage equipment and from the external storage equipment to the internal memory module when the data processing system is not connected—and therefore claim 1 is not distinct from Dinh (Office Action page 20). However, as previously argued above, neither Tullis nor Battaglia teach communication when the —when the data processing system is not connected--. The limitation in claim 1 of --not connected— is not the same as a wireless connection as alleged by the examiner.

In addition, claim 1 has been further amended to include the limitation of —an audio module and/or a video module for combining with the internal memory module or external storage equipments to implement a function of playing multi-media--. Since Dinh does teach amended claim 1, the applicants respectfully assert that the claims of the presently claimed invention and the co-pending U.S. Application Serial No. 10/261,001 (Dinh) are patentably distinct. Accordingly, the applicants respectfully request withdrawal of the rejection.

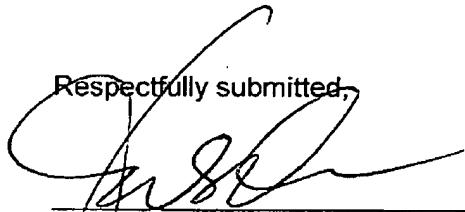
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Accordingly, the applicants respectfully request reconsideration and withdrawal of the outstanding rejections and earnestly solicit an indication of allowable subject matter with respect to pending claims 1-19.

This amendment is considered to be responsive to all points raised in the office action. Should the examiner have any remaining questions or concerns, the examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

Respectfully submitted,



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